

TOWN BOARD MEETING MAY 11, 2011

Supervisor Pagones opened the town board meeting at 9:30am, Town Hall, 807 Route 52, Fishkill, New York and led the audience with the “Pledge of Allegiance”.

Present: Supervisor Joan A. Pagones; Town Board members – Brian Callahan, Steve Ferguson, Robert LaColla, Heather Malvarosa; Town Attorney – Ronald Blass; Town Engineer – John Andrews; Pamela Garnot – Supervisor’s Assistant; James A. Foy – Receiver of Taxes; John Darcy – Housing Assistant; Scott Bierce – Police Captain; Nancy Lecker – ZBA Secretary; Al Campanaro – ZBA Chairman; Residents - Steve Ciaccio, Robert Principe, Maureen Cotter, Azem Albra, Kurt Buck, Tony Curry; and Town Clerk – Darlene Bellis

Unanimous Consent Vote(s)

Supervisor Pagones stated the board has two items for the unanimous consent votes. They are assembly permits submitted that need approval. Fishkill Little League Gillette Carnival to be held on June 01st through June 05th; and the I-84 Diner’s request to have car cruises for the remainder of the year.

Motion made by Councilwoman Malvarosa **to allow the above mentioned items on the agenda for approval under the unanimous consent vote.**

Seconded by Councilman Ferguson

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

Motion made by Councilman Ferguson **to go into the privilege of the floor for agenda items.** **Seconded** by Councilwoman Malvarosa

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

Maureen Cotter asked who or what is the TCG Fishkill II.

Ronald Blass answered that they are people who were before the town to develop a piece of property in the Town of Fishkill but no longer wishes to.

Azem Albra asked what the fees for the car shows and the carnival were.

Supervisor Pagones answered that the car show fee was \$250.00 and the carnival fee was \$250.00

Regular Order of Business

Motion made by Councilman LaColla **to go back into the regular order of business.** **Seconded** by Councilman Ferguson

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

ANNOUNCEMENT(S)

Settlement agreements – TCG Fishkill II, LLC

Supervisor Pagones stated this item is being pulled off the agenda as it is an executive session item – litigation.

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Public Hearing Notice – Town of Wappinger

Supervisor Pagones read (**copy attached to original minutes**) a notice of public hearing from the Town of Wappinger regarding an amendment to their zoning law – public hearing will be held on June 13th, 2011 at 7:30pm.

Summer Town Board schedule locations

Supervisor Pagones announced the On the Road Town Board meetings, dates – times – and locations (**copy attached to original minutes**)

APPROVAL OF MINUTE(S)

Motion made by Councilman Callahan **to approve the minutes of April 09, 2011 as submitted by the town clerk. Seconded** by Councilwoman Malvarosa

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0

MOTION(s) TO APPROVE/ADOPT

Set public hearing – Establishment of Fox Ridge Sewer District

Supervisor Pagones read (**copy attached to original minutes**) a resolution of Order by Town Board for hearing on establishment of Fox Ridge Sewer District.

John Andrews, Town Engineer, stated there is a map, plan and report is completed and filed with the Town Clerk’s office; it is proposed as a zero cost district, all cost of the formation is being borne by the original developer, the district encompasses the Fox Ridge Condominium complex and the various Town of Fishkill properties (recreation, police and town hall).

Motion made by Councilman Ferguson **to set a public hearing on June 04, 2011 @ 10:00am – Camp Foster, Old Castle Point Road for the purpose of establishing the Fox Ridge Sewer District. Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Bid Award Recommendation – Recreation Center Message Sign

Supervisor Pagones read (**copy attached to original minutes**) a letter from Town engineer – John Andrews, recommending the Town Board accept the bid from Gloede Neon Signs, Ltd. as submitted and award said bid in the amount of \$39,846.00 with condition they submit written documentation of compliance with the apprenticeship program requirements and the necessary bonds and insurances required by the contract documents.

Town Engineer, Jon Andrews, gave a brief analysis of how the message center sign came about and what it entails to install said sign. He stated the town received one bid in the amount of \$39,846 and recommended the board accepts the bid with conditions that Gloede Neon Signs Ltd. Complies with the apprenticeship program and supplies the necessary bonds and insurances to the town.

Motion made by Councilman Ferguson **to award the recreation message center sign to Gloede Neon Signs, Ltd. with the conditions of compliance with the apprenticeship program and the necessary bonds and insurances are submitted.** **Seconded** by Councilwoman Malvarosa

Councilman LaColla questioned about having the bid broken down into two sections – materials and components?

John Andrews, Town Engineer, answered stating the following: the sign itself is around \$40,000, furnishing the sign and the necessary equipment to go with it represents about \$36,000 and the installation is the smallest component (probably approaches 10%); it would increase the cost by piecing it out into materials and components.

Councilman Callahan disclosed that he does some business with Gloede Neon Signs Ltd. and asked if he should abstain.

Ronald Blass, Town Attorney, stated that if he does occasional/modest business with Gloede Neon Signs, Ltd, he does not see a problem with Councilman Callahan voting on said item.

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

ZBA appointment resolution

Supervisor Pagones read (**copy attached to original minutes**) a resolution regarding ZBA resignations and appointments.

Ronald Blass, Town Attorney, advised the board that research and a memo has been sent to them stating that there are effectively two vacancies on the ZBA. He reviewed said memo (**copy in town clerk’s file**). Ms. Leenig has not yet resigned and an issue arose as to whether or not her position is a vacancy or not. It is not a vacancy until such written notification is received.

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Supervisor Pagones asked the secretary and the chairman of the ZBA how many meetings they have had so far this year.

Ms. Lecker, secretary, answered two.

Supervisor Pagones asked if Mrs. Leenig had been at the two meetings.

Ms. Lecker answered no.

Ronald Blass stated that there is a 60% requirement in attendance for every ZBA member. He stated that 2011 needs to be played out and see what happens.

Al Campanaro stated that he spoke to Mrs. Leenig's husband twice and asked for the resignation letter and was assured that it was forthcoming. He continued stating that there is also a qualification of a four hour course the members are required to take, he is not sure how that takes into consideration.

Ronald Blass again stated that Audrey took a very close look at this case and he suggests that this needs to play out and let the 60% attendance requirement catch up.

Motion made by Councilman LaColla to appoint Marc Breimer as a ZBA member replacing Lynn Raver who resigned effective 12-31-2010 for the remainder of her term and to appoint Isabel A. McDonough as an alternate ZBA member for one year term. Seconded by

Councilwoman Malvarosa

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Letter of Intent – CAPE 10 year lease

Supervisor Pagones read (**copy attached to original minutes**) a letter from herself to the CAPE regarding the option to renew their five year rental agreement at an additional five years.

Ronald Blass stated that CAPE has a requirement of length of commitment for their funding. He stated they could extend the five years to ten years in whatever terms they decide.

Supervisor Pagones stated that in the letter to Elaine Trumpetto, she is going to recommend an option to renew an additional five years subject to discussion of monthly rentals after the first five years will need to be determined.

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Motion made by Supervisor Pagones **to recommend the option to renew an additional five years subject to discussion of monthly rental after the first five years. Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Accept bid offers for surplus police cars, highway truck, and recreation truck
Supervisor Pagones read (**copy attached to original minutes**) the items that went out to bid and the recommended bid amounts for each individual item.

Motion made by Councilman Ferguson **to accept the bid offers as read that were received and went out to bid with the exception of the copy machines per Captain Bierce. Seconded** by Councilwoman Malvarosa

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0

Liquor Licenses Renewals

Motion made by Councilman Ferguson **to accept the liquor license renewals submitted from Frank's Tavern, Cosimo's Catering and Splash Down Beach, Home Town Deli, Joe Willy's Seafood Restaurant. Seconded** by Councilwoman Malvarosa

Councilman LaColla disclosed that he does business with Splash Down Beach.

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0

MOTION(s) TO ACCEPT RESIGNATION(S)

Motion made by Councilman Ferguson **to accept the resignation from John Hooten as Police Assistant to be effective immediately.**

Seconded by Councilwoman Malvarosa

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0

MOTION(s) TO APPOINT

Motion made by Councilwoman Malvarosa **to appoint the 2011 Summer Recreation Camp Personnel as submitted by Cindy Starke, Recreation Director. Seconded** by

Councilman LaColla

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0

UNANIMOUS CONSENT VOTE(S)

Motion made by Councilman Ferguson **to approve the assembly permits for the Fishkill Little League Gillette Carnival with the fee of \$250. and the I-84 Car Cruise for the remainder of the year with the fee of \$250 as submitted.** **Seconded** by Councilman LaColla
Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0

EXECUTIVE SESSION

Motion made by Councilwoman Malvarosa **to go into executive session for Attorney/client conference on various matters involving litigation.** **Seconded** by Councilman LaColla
Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0
Executive session at 9:56am

Motion made by Councilwoman Malvarosa **to approve and authorize the Supervisor to execute the proposed settlement agreement in the amount of \$30,000 between the Town of Fishkill and TCG Fishkill II.** **Seconded** by Councilman Ferguson
Roll Call Councilman Callahan aye
 Councilman Ferguson aye
 Councilman LaColla aye
 Councilwoman Malvarosa aye
 Supervisor Pagones aye
Motion Carried

Regular Order of Business

Motion made by Councilman Ferguson **to go back into regular order of business.** **Seconded** by Councilwoman Malvarosa
Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0
Regular order of business at 10:45am

Study Outline

Motion made by Councilman Ferguson **to authorize the town to conduct the Dutchess Park/Beacon Force Main System Study dated 03/31/2011 per the budget items listed and to notify the City of Beacon of the intention of said study dated 03/31/2011 study outline plan.** **Seconded** by Councilman LaColla
Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)
Motion Carried 5-0

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New York State Workers Compensation Board

Motion made by Councilwoman Malvarosa **to approve and authorize the Supervisor to execute a proposed rider and extension agreement with the New York State Workers Compensation Board. Seconded** by Councilman LaColla

Councilman Ferguson	aye
Councilman LaColla	aye
Councilwoman Malvarosa	aye
Supervisor Pagones	aye

Motion Carried

(copy of resolution attached to original minutes)

ADJOURNMENT

Motion made by Councilwoman Malvarosa **to adjourn the meeting.**

Seconded by Councilman Ferguson

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

Meeting adjourned at 10:48am

Respectfully submitted,

Darlene Bellis
Town Clerk